

# **TEXAS HIGHER EDUCATION COORDINATING BOARD**

## **COMMITTEE ON AFFORDABILITY, ACCOUNTABILITY AND PLANNING**

1200 EAST ANDERSON LANE, ROOM 1.170  
AUSTIN, TEXAS  
December 13, 2017  
9 a.m.

*CHAIR*  
*S. Javaid Anwar*

*VICE CHAIR*  
*Arcilia C. Acosta*

*Janelle Shepard*  
*Stuart W. Stedman*  
*Andrias R. "Annie" Jones*  
*Student Representative, Ex-Officio*  
*Robert "Bobby" Jenkins, Jr.,*  
*Ex-Officio*

### **AGENDA**

*PUBLIC TESTIMONY: The presiding chair shall designate whether public testimony will be taken at the beginning of the meeting, at the time the related item is taken up by the Board after staff has presented the item, or any other time as determined by the presiding chair. For procedures on testifying, please go to <http://www.thecb.state.tx.us/public-testimony>.*

- I. Welcome and Committee Chair's meeting overview
- II. Consideration of approval of the minutes from the September 27, 2017, meeting of the Committee on Affordability, Accountability and Planning
- III. Consideration of approval of the Consent Calendar
- IV. Public Testimony on Agenda Items Relating to the Committee on Affordability, Accountability and Planning
- V. Matters relating to the Committee on Affordability, Accountability and Planning
  - A. Report on data highlight: *60x30TX* completion targets concerning high school to college enrollments and male completion
  - B. Consideration of adopting the staff recommendation to the Committee relating to the approval of additional revised measures for the Texas Higher Education Accountability System
  - C. Report on Space Usage Efficiency (SUE)
  - D. Report on facilities projects that were submitted to the Coordinating Board
  - E. Report on Financial Aid Advisory Committee activities
  - F. Report on Financial Literacy Advisory Committee activities

Note: Highlighted items in gray are on the Consent Calendar

G. Proposed Rules:

- (1) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 13, Subchapter F, Section 13.101 of Board rules, concerning authority (*General Appropriations Act, Senate Bill 1, Article III, Section 40, 85th Legislature, Regular Session*)
- (2) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 4, Subchapter A, Section 4.10 of Board rules, concerning limitations on the number of courses that may be dropped under certain circumstances by undergraduate students (*Senate Bill 1782, 85th Texas Legislature, Regular Session*)
- (3) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 13, Subchapter F, Sections 13.104 and 13.105 of Board rules, concerning exemptions for excess hours and limitation on formula funding for repeated hours for attempted courses (*Senate Bill 1782, 85th Texas Legislature, Regular Session*)
- (4) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed repeal of Chapter 21, Subchapter A, Section 21.6 of Board rules, concerning student compliance with selective service registration
- (5) Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed amendments to Chapter 21, Subchapter A, Section 21.10 of Board rules, concerning priority deadline for applying for state aid
- (6) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter A, new Section 22.3 of Board rules, concerning student compliance with selective registration, and new Section 22.4 of Board rules, concerning records retention
- (7) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed repeal of Chapter 22, Subchapter F, Section 22.117 of Board rules, concerning matching scholarships to retain students in Texas (*Senate Bill 1179, 82nd Texas Legislature, Regular Session, Texas Education Code, Subsection (c), Section 61.087*)
- (8) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter M, Sections 22.254, 22.256-22.257, 22.260, and 22.262 of Board rules, concerning the Texas Educational Opportunity Grant Program
- (9) Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed amendments to Chapter 23, Subchapter D, Sections 23.95, 23.97, and 23.100 (2) of Board rules, concerning the Loan Repayment Program for Mental Health Professionals (MHLRP) (*House Bill (HB) 3083 and HB 3808, 85th Texas Legislature, Regular Session*)

VI. Adjournment

Note: Highlighted items in gray are on the Consent Calendar

*NOTE: The Board will not consider or act upon any item before the Committee on Affordability, Accountability and Planning at this meeting. This meeting is not a regular meeting of the full Board. Because the Board members who attend the committee meeting may create a quorum of the full Board, the meeting of the Committee on Affordability, Accountability and Planning is also being posted as a meeting of the full Board.*

*Texas Penal Code Section 46.035(c) states: "A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter." Thus, no person can carry a handgun and enter the room or rooms where a meeting of the THECB is held if the meeting is an open meeting subject to Chapter 551, Government Code.*

***Please Note** that this governmental meeting is, in the opinion of counsel representing THECB, an open meeting subject to Chapter 551, Government Code and THECB is providing notice of this meeting as required by Chapter 551. In addition, **please note** that the written communication required by Texas Penal Code Sections 30.06 and 30.07, prohibiting both concealed and open carry of handguns by Government Code Chapter 411 licensees, will be posted at the entrances to this governmental meeting.*

Committee on Affordability, Accountability and Planning

AGENDA ITEM I

Welcome and Committee Chair's meeting overview

Mr. S. Javaid Anwar, Chair of the Committee on Affordability, Accountability and Planning, will provide the Committee an overview of the items on the agenda.

Committee on Affordability, Accountability and Planning

AGENDA ITEM II

Consideration of approval of the minutes from the September 27, 2017, meeting of the Committee on Affordability, Accountability and Planning

RECOMMENDATION:     Approval

TEXAS HIGHER EDUCATION COORDINATING BOARD

MINUTES

Committee on Affordability, Accountability and Planning

1200 East Anderson Lane, Room 1.170

Austin, Texas

September 27, 2017, 9:00 a.m.

DRAFT Minutes

The Texas Higher Education Coordinating Board Committee on Affordability, Accountability and Planning convened at 9:00 a.m. on *September 27, 2017*, with the following members present: S. Javaid Anwar, Chair, presiding; Arcilia C. Acosta, Vice Chair; Stuart W. Stedman; Andrias R. "Annie" Jones, Student Representative, Ex-Officio; and Robert "Bobby" Jenkins, Jr., Ex-Officio. Janelle Shepard was not in attendance

The meeting is available at the following link: <http://www.thecb.state.tx.us/apps/Events/>

AGENDA ITEM	ACTION
I. Welcome and Committee Chair's meeting overview	<p>Mr. S. Javaid Anwar called the meeting to order and advised the meeting was being broadcast over the Internet.</p> <p>Mr. Anwar announced that he was appointed as the new committee chair and Ms. Acosta has been appointed as the vice chair for the committee.</p>
II. Consideration of approval of the minutes from the June 28, 2017, Committee meeting	<p>On motion by Ms. Arcilia C. Acosta, seconded by Mr. Stuart W. Stedman, the Committee approved this item.</p>
III. Consideration of approval of the Consent Calendar	<p>Mr. S. Javaid Anwar stated the following items were on the Consent Calendar for consideration: Agenda Item V-E, V-F, and Agenda Items V-G (2) through V-G (8).</p> <p>On motion by Ms. Arcilia C. Acosta, seconded by Mr. Stuart W. Stedman, the Committee approved the Consent Calendar.</p>
IV. Public Testimony on Agenda Items Relating to the Committee on Affordability, Accountability and Planning	<p>Mr. S. Javaid Anwar stated there was no public testimony.</p>

AGENDA ITEM	ACTION
<p>V. Matters relating to the Committee on Affordability, Accountability and Planning</p> <p>A. Report on Data Highlight: 60x30 Educated Population Goal and Interactive Map</p> <p>B. Report on Data Fellows Trainings</p> <p>C. Consideration of adopting the Commissioner's recommendation to the Committee for the approval of the process for setting regional targets for selected statewide <i>60x30TX</i> goals and targets</p> <p>D. Report on facilities projects that were submitted to the Coordinating Board</p> <p>E. Consideration of adopting the Commissioner's recommendation to the Committee for approval of the nominated members of the Financial Aid Advisory Committee</p> <p>F. Consideration of adopting the Commissioner's recommendation to the Committee relating to the Report on Student Financial Aid in Texas Higher Education, Fiscal Year 2016 (<i>General Appropriations Act, Senate Bill 1, Section 25, page III-53, 85th Texas Legislature, Regular Session</i>)</p>	<p>Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, provided a brief presentation and was available to answer questions.</p> <p>No action required on this item.</p> <p>Dr. Jenna Cullinane Hege, Deputy Assistant Commissioner, Strategic Planning and Funding, provided a brief presentation and was available to answer questions.</p> <p>No action required on this item.</p> <p>Dr. Jenna Cullinane Hege, Deputy Assistant Commissioner, Strategic Planning and Funding, provided a presentation and was available for questions.</p> <p>On motion by Mr. Stuart W. Stedman, seconded by Ms. Arcilia Acosta, the Committee approved this item.</p> <p>Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, was available to answer questions.</p> <p>No action required on this item.</p> <p>This item was on the Consent Calendar.</p> <p>This item was on the Consent Calendar.</p>

AGENDA ITEM	ACTION
<p>G. Proposed Rules</p> <p>(1) Update on a proposed rule relating to formula funding for excess hours of developmental courses and interventions</p> <p>(2) Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 21, Subchapter Y, Sections 21.760-21.766 of Board rules, concerning the Student Loan Default Prevention and Financial Aid Literacy Pilot Program (<i>Senate Bill 1799, 85th Texas Legislature, Regular Session</i>)</p> <p>(3) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter B, Sections 22.24-22.25 and 22.29 of Coordinating Board rules, concerning Provisions for the Tuition Equalization Grant (TEG) Program (<i>General Appropriations Act, Senate Bill 1, Article III-50, 85th Texas Legislature, Regular Session</i>)</p> <p>(4) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter I, Sections 22.166-22.167 and 22.169-22.170 of Board rules, concerning the Texas Armed Services Scholarship Program (<i>Senate Bill 49 and House Bill 1117, 85th Texas Legislature, Regular Session</i>)</p> <p>(5) Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 22, Subchapter Z, Sections 22.699-22.709 of Board rules, concerning the Early High School Graduation Scholarship Program for Students Graduating High School on or before June 20, 2011</p> <p>(6) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 23, Subchapter G, Sections 23.186 and 23.193 of Board rules,</p>	<p>Dr. Julie Eklund, Assistant Commissioner, Strategic Planning and Funding, provided a brief update.</p> <p>No action required on this item</p> <p>This item was on the Consent Calendar.</p>

AGENDA ITEM	ACTION
<p>concerning the Nursing Faculty Loan Repayment Assistance Program (<i>General Appropriations Act, Senate Bill 1, Article III, Section 42, 85th Texas Legislature, Regular Session</i>)</p> <p>(7) Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 23, Subchapter H, Sections 23.217-23.223 of Board rules, concerning the Educational Loan Repayment Program for Attorneys Employed by the Office of the Attorney General</p> <p>(8) Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 23, Subchapter I, Sections 23.248-23.255 of Board rules, concerning the Loan Repayment Program for Speech-Language Pathologists and Audiologists</p> <p>H. Adjournment</p>	<p>This item was on the Consent Calendar.</p> <p>This item was on the Consent Calendar.</p> <p>The meeting adjourned at 10:00 a.m.</p>

Committee on Affordability, Accountability and Planning

AGENDA ITEM III

Consideration of approval of the Consent Calendar

RECOMMENDATION: Approval

Background Information:

In order to save institutions time and travel costs to attend the Committee on Affordability, Accountability and Planning meetings in Austin, the Committee has a Consent Calendar for items that are noncontroversial. Any item can be removed from the Consent Calendar by a Committee member.

## Consent Calendar

## V. Matters relating to the Committee on Affordability, Accountability and Planning

## G. Proposed Rules:

- (4) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed repeal of Chapter 21, Subchapter A, Section 21.6 of Board rules, concerning student compliance with selective service registration
- (5) Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed amendments to Chapter 21, Subchapter A, Section 21.10 of Board rules, concerning priority deadline for applying for state aid
- (6) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter A, new Section 22.3 of Board rules, concerning student compliance with selective registration, and new Section 22.4 of Board rules, concerning records retention
- (7) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed repeal of Chapter 22, Subchapter F, Section 22.117 of Board rules, concerning matching scholarships to retain students in Texas (*Senate Bill 1179, 82nd Texas Legislature, Regular Session, Texas Education Code, Subsection (c), Section 61.087*)
- (8) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter M, Sections 22.254, 22.256-22.257, 22.260, and 22.262 of Board rules, concerning the Texas Educational Opportunity Grant Program
- (9) Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed amendments to Chapter 23, Subchapter D, Sections 23.95, 23.97, and 23.100 (2) of Board rules, concerning the Loan Repayment Program for Mental Health Professionals (*House Bill (HB) 3083 and House Bill (HB) 3808, 85th Texas Legislature, Regular Session*)

Committee on Affordability, Accountability and Planning

AGENDA ITEM IV

Public Testimony on Agenda Items Relating to the Committee on Affordability, Accountability and Planning

RECOMMENDATION:           No action required

Background Information:

PUBLIC TESTIMONY: The presiding chair shall designate whether public testimony will be taken at the beginning of the meeting, at the time the related item is taken up by the Board after staff has presented the item, or at any other time as determined by the presiding chair.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-A

Report on data highlight: 60x30TX completion targets concerning high school to college enrollments and male completion

RECOMMENDATION: No action required

Background Information:

The targets under the completion goal of the state's higher education strategic plan, *60x30TX*, include increasing the percent of public high school graduates who enroll directly in college in Texas and increasing the number of males who complete a degree or certificate.

Research has shown that students who enroll in college directly from high school are more likely to persist and complete. The high school to college enrollment target is one of the areas of focus for the *60x30TX* efforts occurring in the 10 higher education regions of the state. In depth analysis of the data about direct high school to college enrollment (students who enroll in college by the first fall after their high school graduation year) has provided insight into this important population and will help inform regional stakeholder efforts. The 2020 and 2025 benchmarks for high school to college enrollment are 58 percent and 61 percent, respectively; the state target for 2030 is 65 percent. Currently only 52 percent of public high school graduates enroll directly in college in Texas.

Male students do not complete at the same rates as females. These gender differences are substantial for whites, Hispanics, and African American students. For 2016 graduates, white females completed more than 18,000 more awards than white males, who completed only 43 percent of the degrees and certificates earned by whites; Hispanic females completed about 7,000 degrees and certificates more than white males and they completed over 20,000 more degrees and certificates than Hispanic males. Just 40 percent of the credentials earned by Hispanics in 2016 were awarded to men. The largest gender gap exists for African American males who completed about 11,000 awards fewer than their female counterparts, earning only 36 percent of the completions for African American graduates. To reach the target of 275,000 male completions by 2030, the state will need to focus efforts on its male population. However, gender completion differences across fields – most notably in Science, Technology, Engineering, and Math (STEM) areas, where many more men earn degrees – call for a more nuanced understanding of the gender completion landscape in Texas.

Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, will provide a presentation on both of these completion targets.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-B

Consideration of adopting the staff recommendation to the Committee relating to the approval of additional revised measures for the Texas Higher Education Accountability System

RECOMMENDATION: Approval

Background:

On January 22, 2004, Governor Perry issued Executive Order RP 31 requiring the Coordinating Board and each institution and system work together to provide “the information necessary to determine the effectiveness and quality of the education students receive at individual institutions” also to provide “...the basis to evaluate the institutions’ use of state resources.”

Following adoption of the *60x30TX* state plan for higher education, a new accountability system web application was launched earlier this year. The new system includes an upgraded user interface and revised accountability measures modified to ensure alignment with the *60x30TX* plan. A demonstration of the updated system was presented to the Board at its April 20, 2017 meeting where institutional and state progress toward plan goals and targets was emphasized. The Board approved modified accountability measures for the public Community, State, and Technical Colleges; Public Universities; and Public Health-Related Institutions at its subsequent meeting on July 27, 2017.

The staff recommendation for additional accountability system measures includes revised measures for career, for-profit, and non-Texas institutions with a presence in Texas. As with the earlier measures approved by the Board in July, institutional input has been an important component of the update process with several opportunities provided for comments and feedback.

Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, will provide a presentation on the process to update the measures and present the Commissioner’s recommendation for final measures.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-C

Report on Space Usage Efficiency (SUE)

RECOMMENDATION: No action required

Background Information:

In 2008, Texas Higher Education Coordinating Board staff collaborated with institutional representatives to create a metric to assess institutional demand and efficiency in the use of educational and general space. Nationally, classroom and laboratory utilization (as measured in hours per week) is used to make this assessment, but this simple measure does not paint a complete picture.

Creating an easy to interpret, comprehensive and effective measure, the group developed the Space Usage Efficiency (SUE) measure. The SUE is currently used to assess capital projects in the area of space use and assists institutions in modifying scheduling and inventory to ensure these critical assets are maximized.

Mr. Tom Keaton, Director of Funding and Resource Planning, will give a brief presentation and will be available to answer questions.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-D

Report on facilities projects that were submitted to the Coordinating Board

RECOMMENDATION: No action required

Background Information:

Senate Bill 215, 83rd Texas Legislature, Regular Session, shifted the authority to approve capital projects from the Texas Higher Education Coordinating Board (THECB) to the Boards of Regents. However, it requires that institutions continue to report projects to the Board and that THECB staff continue to review facilities projects. Additional information is provided for projects that do not meet one or more standards. The Board must submit a report to the governor, lieutenant governor, speaker of the house, and Legislative Budget Board on all projects that do not meet standards.

Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, will provide a brief update and will be available to answer questions.

**Reviewed Projects**

Institution Project Name	Project Cost	Standard Met Yes/No			
		Space Usage	Space Need	Cost	Building Efficiency
Texas Tech Health Sciences Center (TRB) <i>Construct Lubbock Education, Research and Technology and West Expansion</i>	\$85,900,000	NA <sup>1</sup>	Yes	Yes	Yes
Texas Tech Health Sciences Center - El Paso (TRB) <i>Construct Medical Science Building II</i>	\$84,400,000	NA <sup>1</sup>	No	Yes	Yes
The University of Texas Health Science Center at San Antonio <i>Construct Relocated Barshop Institute</i>	\$70,200,000	NA <sup>1</sup>	Yes	Yes	No <sup>2</sup>
Texas A&M University - Texarkana (TRB) <i>Construct Academic and Student Services Building</i>	\$32,000,000	No	Yes	Yes	Yes
Texas Tech University <i>Construct JT and Margaret Talkington College of Visual and Performing Arts</i>	\$23,000,000	Yes	Yes	Yes	Yes
West Texas A&M University (TRB) <i>Renovate Amarillo Center Phase II</i>	\$18,200,000	NA <sup>3</sup>	No	Yes	Yes
Texas State Technical College - West Texas (TRB) <i>Construct Abilene Industrial Technology Center</i>	\$15,540,000	No	No	Yes	Yes
Texas A&M University - Commerce <i>Renovate Energy Conservation Measures Project<sup>4</sup></i>	\$9,051,865	NA <sup>1</sup>	Yes	NA	NA

<sup>1</sup> The standard for Space Usage Efficiency is not calculated for Health Related Institutions.

<sup>2</sup> This project contains Net Assignable Square Feet (NASF) of unfinished space to be completed as needed by the institution. Once the NASF is complete, this project will meet the building efficiency standard.

<sup>3</sup> The standard for Space Usage Efficiency is not applicable to renovation projects.

<sup>4</sup> Project approved by Assistant Commissioner, Strategic Planning and Funding Division, via delegated approval.

Project Type	Space Usage	Space Need	Cost	Building Efficiency
<b>New Construction and Addition</b>	Space Usage Efficiency (SUE) score of: <ul style="list-style-type: none"> <li>• 75 points in the classroom score for classroom type facilities</li> <li>• 75 points in the class laboratory score for lab type facilities</li> <li>• 150 points overall for all others</li> </ul>	Does not create nor add to a surplus as predicted in the space projection model	Does not exceed the annually published cost standard	The ratio of net assignable square feet (NASF) to gross square feet (GSF) shall not exceed: <ul style="list-style-type: none"> <li>• Classroom and general – 0.60</li> <li>• Office – 0.65</li> <li>• Clinical, diagnostic support labs, and technical research – 0.50</li> </ul> For parking structures: <ul style="list-style-type: none"> <li>• Automobile – 400 SF per space</li> <li>• Boathouses – 500 SF per space</li> <li>• Airplanes – 3,000 SF per space</li> </ul>
<b>Repair and Renovation (including repairs and renovations as part of a real property purchase)</b>	Not applicable	Does not create nor add to a surplus as predicted in the space projection model	Does not exceed the annually published cost standard	Does not reduce existing ratio of NASF to GSF more than ten percent
<b>Real Property Purchases</b>	Not applicable	Does not create nor add to a surplus as predicted in the space projection model	Should not exceed the higher of two appraisals. If the cost exceeds this amount, institution must demonstrate the need to purchase at the higher price	Not applicable

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-E

Report on Financial Aid Advisory Committee activities

RECOMMENDATION: No action required

Background Information:

Coordinating Board rules require advisory committees to report on committee activities on an annual basis. This allows the Coordinating Board to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence. The current report covers the period from November 2016 through November 2017 and will be provided under separate cover.

The Financial Aid Advisory Committee (FAAC) is authorized under Texas Education Code, Section 61.0776 and Texas Government Code, Chapter 2110, Section 2110.0012. The Financial Aid Advisory Committee provides the Coordinating Board with advice and recommendations regarding the development, implementation, and evaluation of state financial aid programs for college students. The FAAC also assists staff in the development of training materials for use by the Center for Financial Aid Information and others in informing students, parents, secondary education counselors, college personnel, members of appropriate community-based organizations, and others about financial aid opportunities for Texas students, including eligibility requirements and procedures for applying for financial aid.

Delisa Falks, Executive Director, Scholarships and Financial Aid at Texas A&M University, and Chair of the FAAC, will present a summary of the FAAC's recent activities and will be available to answer questions.

## FINANCIAL AID ADVISORY COMMITTEE ANNUAL REPORT

COMMITTEE ABOLISHMENT DATE: 10/31/2021

**Committee Purpose:** The Financial Aid Advisory Committee was created to provide the Board with advice and recommendations regarding the development, implementation, and evaluation of state financial aid programs for college students. In this capacity, it is also to assist staff in the development of training materials for use by the Center for Financial Aid Information and others in informing students, parents, secondary education counselors, college personnel, members of appropriate community-based organizations, and others about financial aid opportunities for Texas students, including eligibility requirements and procedures for applying for financial aid. In addition, the committee shall provide insight on state financial aid program policies and procedures (e.g. eligibility, allocations, disbursement processes, etc.), review the collection, use, and reporting of data, and identify areas of research for consideration.

**Annual Report Period:** November 2016 - November 2017

**Chair:** Delisa Falks – Texas A&M University

**Vice Chair:** Zelma De Leon – University of North Texas

**Past Chair:** Chris Murr – Texas State University

**Committee Members:**

Alan Ahmad – TASFAA Representative

Doris Constantine - St. Edward's University

Melissa Elliot - Vernon College

Jeanne Gage - Texas A&M University Corpus Christi

Carl Gordon - College of the Mainland

Audree Hernandez - Trinity University

Sandi Jones - McLennan Community College

Rosario Juarez - Austin Community College

Carolyn Mallory - University of Houston – Victoria

Robert Merino - San Jacinto Community College District

Alan Pixley - Collin College

Cathy Sanchez - University of N. Texas Health Science Center

Kara Tappendorf - Hendrickson High School

Diane Todd Sprague - The University of Texas at Austin

Matthew Vandermause - Student Representative

Anne Walker - Rice University

Harold Whitis - Alamo CCD

**Committee Meeting Dates:**

November 16, 2016

February 23, 2017

June 1, 2017

September 7, 2017

**Annual Costs Expended**

**Travel:** \$5,831.76

**Other:** N/A

**Time Commitments:** It is estimated that committee members and agency staff spend at least 387 total hours in preparation, meeting day, and post-meeting administrative activities for each quarterly meeting.

**Current Recommendations to the Board:**

1. Continue support of tuition set aside funds
2. Explore innovative financial aid practices
3. Change the state priority date, due to FAFSA now opening in October each year.
4. Provide guidelines for implementing SB 887 (student loan debt disclosures)
5. Align state financial aid policy with federal financial aid policy where possible (e.g. controlled substance regulations)
6. Provide institutions access to a student's complete state loan history

**Summary of Tasks Completed:**

Over the course of the year, the Financial Aid Advisory Committee addressed a number of financial aid topics and engaged in the following discussions:

**Data Collection**

- Continued work of the Data Collection Subcommittee to simplify and reduce the number of reports that institutions must submit to THECB, by integrating the current end-of-year reports into the Financial Aid Database System (FADS) report, along with reconciliation of state funds. The first reporting cycle for the new FADS report will be in January 2018. The Financial Aid community will report via FADS several times a year.
- Financial Aid Memorandum of Understanding (MOU) revisions - a subcommittee was formed to assist with creating a universal document (MOU).
- Recommendations to align retention of state aid documents with federal aid retention timelines (*at this time, the THECB has determined it prefers 7 years instead of the 5 years previously required by the THECB*). The federal aid program record retention requirement is 3 years.
- Prior-Prior-Year subcommittee recommended that the priority deadline for state programs be changed from March 15 to January 15, beginning in FY 2020.

**Legislative Review**

- Feedback was provided to THECB External Relations representative John Wyatt on several legislative proposals. Members asked questions and sought clarification regarding THECB's recommendations and bills that were filed in the 85th Texas Legislative session. For example:
  - SB 18 Repeal of Designated Tuition Set-Asides: What purpose would repealing set asides accomplish if institutions plan to use these funds for financial aid?
  - SB33/SB885 (TEXAS Grant): Members expressed concern regarding the number of students who would be ineligible for the program if they had to complete 30 SCH annually. One recommendation was to allow transfer credit hours to count, so the students could meet the 30 SCH requirement.
  - 3 (TEOG): Members expressed concern about restricting TEOG awards to cover only tuition, fees, and books. Federal Pell grants are an entitlement for those who qualify, and are first awarded to cover these costs before a TEOG is awarded to a student. Therefore, high-need students with additional necessary costs, such as transportation, would not be eligible for a TEOG, possibly causing them to drop classes, drop out entirely, or go into debt to cover these costs.
  - HB836/SB887: Members expressed their hopes that institutions will have the ability to use existing tools to provide students annual information regarding their loans. The THECB gave a presentation to FAAC this year regarding the information the agency provides to its borrowers, which was very

informative. The idea of developing a student-level state loan history was discussed. There is a statewide need for all institutions, public and private, to provide more information to students regarding their debt.

- Discussed and formed a subcommittee to provide feedback on THECB legislative proposals for the 86th Session of the Texas Legislature. The first meeting (conference call) was held in November 2017.

### **FAD Certification Deadlines**

Members provided suggestions to the THECB for schools that do not meet the FADS certification deadlines. The following are some suggestions:

- THECB provide institutions with program status information (heads-up regarding what the institutions should be looking for in preparation for the FADS)
- Open the submission process earlier to give schools more time to rectify errors
- Provide quicker turn-around for edit reports results to the institutions
- Provide institutions a list of the specific programs the agency believes the institutions participated in during the year being reported.
- Provide clear explanations of errors or problems in the report to institutions
- Allow overrides to carry forward to later submissions
- Survey schools that are late in reporting, to determine why they are late; select the institution for an audit, if late in submitting.

### **Presentations**

THECB arranged for presenters on topics relevant to the committee during the past year that were very informative and helpful for institutions of higher education. The committee is very appreciative of these presentations. Here are some of the presentations provided during the past year:

1. Overview of the Financial Literacy Advisory Committee
2. Presentation on Student Debt in the THECB Almanac
3. Demonstration of the HelmNet loan portal system upgrade
4. *TG's Project Success*
5. A Failure to Communicate: How University Idiolect Ignores Underrepresented Post-Secondary Students
6. Texas OnCourse
7. THECB borrower notifications

Members offered the following examples of why the FAAC is important:

- The opportunity to share information helps both the agency and the institutions gain a better understanding and make better decisions related to higher education financial aid issues/concerns
- Current financial aid practitioners can share thoughts regarding what does and does not work across the sectors based on actual day-to-day experiences
- Provides a platform to address administrative inefficiencies, to identify key services, and to discuss how we can make those services more efficient and successful

- Allows members to serve as student advocates, promoting a balance between the statutory/regulatory world and what actually occurs on campuses
- Provides opportunities to influence research and reporting

FAAC members are appreciative of the Board's approval for the continuation of the Committee.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-F

Report on Financial Literacy Advisory Committee activities

RECOMMENDATION: No action required

Background Information:

Coordinating Board rules require advisory committees to report on committee activities on an annual basis. This allows the Coordinating Board to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence. The current report covers the period from November 2016 through November 2017 and will be provided under separate cover.

The Financial Literacy Advisory Committee (FLAC) is authorized by the Texas Government Code, Chapter 2110, Section 2110.0012. The FLAC was established in accordance with a strategy stated in *60x30TX*, to provide the Coordinating Board advice and recommendations regarding ways to better advise students and parents on financial aid options and the impact on those options on students' finances before, during, and after their college careers. The charge of the FLAC was to meet from November 2016 to November 2017 and to develop a one-time report providing recommendations. The accompanying report reflects the work that was accomplished by the committee.

Co-Chairs Laura Ewing and Dr. Jared Pickens, and Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will present a summary of the FLAC's recent activities and will be available to answer questions.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (1)

Consideration of adopting the Commissioner's recommendation to the Committee relating to amendments to Chapter 13, Subchapter F, Section 13.101 of Board rules, concerning authority (General Appropriations Act, Senate Bill 1, Article III, Section 40, 85th Legislature, Regular Session)

RECOMMENDATION:           Approval

Background Information:

The citation for the authority for institutions to charge a higher rate of tuition to students with repeated or excess hours is updated from Section 54.068 to 54.014.

The citation for the limits on the number of remedial or developmental education semester credit hours for which formula funding may be received is updated from Section 51.3062(l) to 51.340(a).

The citation for the special provision that limits formula funding for a course for which a student would generate formula funding for the third time is updated from Senate Bill (SB) 1, General Appropriations Act, 79th Texas Legislature, Regular Session, III-251, Section 49, to the General Appropriations Act, SB 1, Article III, Section 40, 85th Texas Legislature, Regular Session.

Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, is available to answer questions.

Date approved by the Commissioner for publication in the *Texas Register*: October 16, 2017

Date Published in the *Texas Register*: October 27, 2017

The 30-day comment period with the *Texas Register* ended on: November 27, 2017

No comments were received.

CHAPTER 13 FINANCIAL PLANNING

SUBCHAPTER F FORMULA FUNDING AND TUITION CHARGES FOR REPEATED AND EXCESS HOURS OF UNDERGRADUATE STUDENTS

Section

- 13.100 Purpose
- 13.101 Authority
- 13.102 Definitions
- 13.103 Limitation on Formula Funding for Excess Hours
- 13.104 Exemptions for Excess Hours
- 13.105 Limitation on Formula Funding for Repeated Hours for Attempted Courses
- 13.106 Exemptions for Repeated Hours for Attempted Courses
- 13.107 Limitation on Formula Funding for Remedial and Developmental Courses and Interventions
- 13.108 Tuition Rate for Students
- 13.109 Additional Responsibilities of Institutions

13.100 No Change

13.101 Authority

Texas Education Code, ~~§54.014~~ ~~§54.068~~, provides that institutions may charge a higher rate of tuition to students with repeated or excess hours. Texas Education Code, §61.0595, limits formula funding for excess hours. ~~The General Appropriations Act, SB 1, General Appropriations Act, Article III, §40, 85th 79th~~ Legislature, Regular Session ~~HH-251, §49~~, limits formula funding for a course for which a student would generate formula funding for the third time. Texas Education Code, ~~§51.340(a)~~ ~~§51.3062(f)~~ limits the number of remedial or developmental education semester credit hours for which formula funding may be received.

13.102 – 13.109 No Change

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (2)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 4, Subchapter A, Section 4.10 of Board rules, concerning limitations on the number of courses that may be dropped under certain circumstances by undergraduate students (*Senate Bill 1782, 85th Texas Legislature, Regular Session*)

RECOMMENDATION: Approval

Background Information:

With the passage of Senate Bill 1782, 85th Texas Legislature, Regular Session, the limit on the number of courses a student may drop was increased under specific conditions. In addition to either the statutory limit of six courses or the institutional lower limit of courses that could be dropped, one more course could be dropped if the student had reenrolled with at least a 24-month break in attendance at any public institution of higher education and had successfully completed at least 50 semester credit hours before the break in enrollment.

With this agenda item, Coordinating Board staff requests approval of the Committee to present this rule change at the January 25, 2018, Board meeting for final approval. This rule change is necessary to implement the amendment to the Texas Education Code.

Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, is available to answer questions.

Date approved by the Commissioner for publication in the *Texas Register*: October 13, 2017

Date published in the *Texas Register*: October 27, 2017

The 30-day comment period with the *Texas Register* ended on November 27, 2017

**Summary of comments received:**

**Comment:** Houston Community College suggested convening the *Texas Association of Community College Registrars and Admission Officers* and similar associations from the other sectors of higher education to make recommendations to the Texas Higher Education Coordinating Board (THECB) regarding the development of a process to identify students who are eligible to drop an additional course when they transfer from one higher education institution to another.

**Staff response:** Staff agrees that institutional representatives should be convened to discuss a process or processes that could help institutions identify students who are eligible for this exemption.

CHAPTER 4 RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN  
TEXAS

SUBCHAPTER A GENERAL PROVISIONS

Section

- 4.1 Purpose
- 4.2 Authority
- 4.3 Definitions
- 4.4 Student Absences on Religious Holy Days
- 4.5 Common Calendar
- 4.6 Minimum Length of Courses and Limitation on the Amount of Credit that a Student May Earn in a Given Time Period
- 4.7 Student Transcripts
- 4.8 Expert Witnesses
- 4.9 Excused Absence for a Person Called to Active Military Service
- 4.10 Limitations on the Number of Courses That May Be Dropped under Certain Circumstances by Undergraduate Students
- 4.11 Common Admission Application Forms
- 4.12 Tracking Participation of Students with Intellectual and Developmental Disabilities (IDD)

4.1 – 4.9 No Change.

4.10 Limitations on the Number of Courses That May Be Dropped under Certain Circumstances By Undergraduate Students

- (a) Beginning with the fall 2007 academic term, and applying to students who enroll in higher education for the first time during the fall 2007 academic term or any term subsequent to the fall 2007 term, an institution of higher education may not permit an undergraduate student a total of more than six dropped courses, including any course a transfer student has dropped at another institution of higher education, unless:
  - (1) the institution has adopted a policy under which the maximum number of courses a student is permitted to drop is less than six; or
  - (2) the student shows good cause for dropping more than that number, including but not limited to a showing of:
    - (A) a severe illness or other debilitating condition that affects the student's ability to satisfactorily complete the course;
    - (B) the student's responsibility for the care of a sick, injured, or needy person if the provision of that care affects the student's ability to satisfactorily complete the course;
    - (C) the death of a person who is considered to be a member of the student's family or who is otherwise considered to have a sufficiently close relationship to the student that the person's death is considered to be a showing of good cause;
    - (D) the active duty service as a member of the Texas National Guard or the armed forces of the United States of either the student or a person who is considered to be a member of the student's family or who is otherwise

considered to have a sufficiently close relationship to the student that the person's active military service is considered to be a showing of good cause;

(E) the change of the student's work schedule that is beyond the control of the student, and that affects the student's ability to satisfactorily complete the course; or

(F) other good cause as determined by the institution of higher education.

(3) the enrollment is for a student who qualifies for a seventh course enrollment, who:

(A) has reenrolled at the institution following a break in enrollment from the institution or another institution of higher education covering at least the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment; and

(B) successfully completed at least 50 semester credit hours of course work at an institution of higher education that are not exempt from the limitation on formula funding set out in §13.104 (1) through (6) of this title before that break in enrollment.

- (b) For purposes of this section, a "member of the student's family" is defined to be the student's spouse, child, grandchild, father, mother, brother, sister, grandmother, grandfather, aunt, uncle, nephew, niece, first cousin, step-parent, step-child, or step-sibling; a "person who is otherwise considered to have a sufficiently close relationship to the student" is defined to include any other relative within the third degree of consanguinity, plus close friends, including but not limited to roommates, housemates, classmates, or other persons identified by the student, for approval by the institution on a case-by-case basis.
- (c) For purposes of this section, a "grade" is defined to be the indicator, usually a letter like A, B, C, D, or F, or P (for pass) assigned upon the student's completion of a course. A "grade" indicates either that the student has earned and will be awarded credit, if the student has completed the course requirements successfully; or that the student remained enrolled in the course until the completion of the term or semester but failed to provide satisfactory performance required to be awarded credit. A "grade" under this definition does not include symbols to indicate that the course has been left incomplete, whether those symbols indicate a negotiated temporary suspension of the end-of-term deadline for completion of the course requirements commonly designated as "incomplete" status, a dropped course under the conditions designated for this section, or a withdrawal from the institution.
- (d) Each institution of higher education shall adopt a policy and procedure for determining a showing of good cause as specified in subsection (a) of this section and shall provide a copy of the policy to the Coordinating Board.
- (e) Each institution of higher education shall publish the policy adopted under this section in its catalogue and other print and Internet-based publications as appropriate for the timely notification of students.

4.11 – 4.12 No Change.

### AGENDA ITEM V-G (3)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 13, Subchapter F, Sections 13.104 and 13.105 of Board rules, concerning exemptions for excess hours and limitation on formula funding for repeated hours for attempted courses (Senate Bill 1782, 85th Texas Legislature, Regular Session)

RECOMMENDATION: Approval

Background Information:

With the passage of Senate Bill (SB) 1782, 85th Texas Legislature, Regular Session, the types of hours exempt from the excess hours rule were changed to include 15 semester credit hours (SCH) earned by a student toward a degree if the student had reenrolled with at least a 24-month break in attendance at any public institution of higher education and had successfully completed at least 50 SCH before the break in enrollment.

Prior to the passage of SB 1782, if a student reattempted the same or similar course two or more times, those SCH could not be submitted for formula funding. With the passage of SB 1782, a student could get an additional attempt (three in total) and the institution could submit the hours for formula funding if the student had reenrolled with at least a 24-month break in attendance at any public institution of higher education and had successfully completed at least 50 SCH before the break in enrollment.

With this agenda item, Coordinating Board staff requests approval of the Committee to present these rule changes at the January 25, 2018, Board meeting for final approval. These rule changes are necessary to implement amendments to the Texas Education Code.

Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, is available to answer questions.

Date approved by the Commissioner for publication in the *Texas Register*: October 13, 2017

Date published in the *Texas Register*: October 27, 2017

The 30-day comment period with the *Texas Register* ended on November 27, 2017

No comments were received.

## CHAPTER 13 FINANCIAL PLANNING

## SUBCHAPTER F FORMULA FUNDING AND TUITION CHARGES FOR REPEATED AND EXCESS HOURS OF UNDERGRADUATE STUDENTS

## Section

- 13.100 Purpose
- 13.101 Authority
- 13.102 Definitions
- 13.103 Limitation on Formula Funding for Excess Hours
- 13.104 Exemptions for Excess Hours
- 13.105 Limitation on Formula Funding for Repeated Hours for Attempted Courses
- 13.106 Exemptions for Repeated Hours for Attempted Courses
- 13.107 Limitation on Formula Funding for Remedial and Developmental Courses and Interventions
- 13.108 Tuition Rate for Students
- 13.109 Additional Responsibilities of Institutions

13.100 – 13.103 No changes.

13.104 Exemptions for Excess Hours

The following types of hours are exempt and are not subject to the limitation on formula funding set out in §13.103 of this title (relating to Limitation on Formula Funding for Excess Hours):

- (1) hours earned by the student before receiving a bachelor's degree that has been previously awarded to the student;
- (2) hours earned through examination or similar method without registering for a course;
- (3) hours from remedial and developmental courses and/or interventions, workforce education courses, or other courses that would not generate academic credit that could be applied to a degree at the institution if the course work is within limitations specified in §13.107 [~~the 27-hour limit at two-year colleges and the 18-hour limit at general academic institutions~~];
- (4) hours earned by the student at a private institution or an out-of-state institution;
- (5) hours not eligible for formula funding; [~~and~~]
- (6) semester credit hours earned by the student before graduating from high school and used to satisfy high school graduation requirements; [~~-~~] and
- (7) 15 semester credit hours not otherwise exempt earned toward a degree program by a student who:
  - (A) has reenrolled at the institution following a break in enrollment from the institution or another institution of higher education covering at least the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment; and
  - (B) successfully completed at least 50 semester credit hours of course work at an institution of higher education that are not exempt in (1) through (6) of this section before that break in enrollment.

## 13.105 Limitation on Formula Funding for Repeated Hours for Attempted Courses

(a) Institutions shall not submit for formula funding any hours for a course that is the same or substantially similar to a course that the student previously attempted for two or more times at the same institution[-] unless the student meets the following conditions for a third attempt:

(1) has reenrolled at the institution following a break in enrollment from the institution or another institution of higher education covering at least the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment; and

(2) has successfully completed at least 50 semester credit hours of course work at an institution of higher education that are not exempt from the limitation on formula funding set out in §13.104 (1) through (6) of this title before that break in enrollment.

13.106 – 13.109 No changes.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (4)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed repeal of Chapter 21, Subchapter A, Section 21.6 of Board rules, concerning student compliance with selective service registration

RECOMMENDATION:           Approval

Background Information:

Specifically, Chapter 21, Subchapter A, Section 21.6 of Board rules, concerning student compliance with selective service registration, will be incorporated into Chapter 22, Subchapter A of Board rules, concerning General Provisions for Student Financial Aid Programs. Administratively moving the existing Section 21.6 mentioned above to Chapter 22, Student Financial Aid Programs allows better cataloging for this type of rule.

Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Date approved by the Commissioner for publication in the *Texas Register*: October 9, 2017.

Date published in the *Texas Register*: October 20, 2017.

The 30-day comment period with the *Texas Register* ended on November 20, 2017.

No comments were received.

## CHAPTER 21 STUDENT SERVICES

## SUBCHAPTER A GENERAL PROVISIONS

## Section

- 21.1. Fund Requirements for Student Loan Bonds Interest and Sinking Fund
- 21.2. Determination of Tuition Rate for Nonresident and Foreign Students
- 21.3. Loan Repayment Deferral for Emergency Loans for Tuition, Mandatory Fees and Textbooks Made Under Texas Education Code, §56.051 for Students Who Enroll in Graduate or Professional Degree Programs
- 21.4. Collection of Tuition
- 21.5. Refund of Tuition and Fees at Public Community/Junior and Technical Colleges
- ~~21.6. Student Compliance with Selective Service Registration~~
- 21.7. Tuition and Fee Definitions
- 21.8. Definition of Student Financial Need
- 21.9. Exclusion of Certain Resources in Determining Need for State Aid
- 21.10. Priority Deadline for Applying for State Aid

21.1 – 21.5. No Change.

~~§21.6 Student Compliance with Selective Service Registration~~

~~(a) — An individual may not receive a loan, grant, scholarship, or other financial assistance funded by state revenue, including federal funds or gifts and grants accepted by this state, or receive a student loan guaranteed by this state or the Texas Guaranteed Student Loan Corporation, unless the individual files a statement of the individual's Selective Service status with the institution or other entity granting or guaranteeing the financial assistance as required by this section.~~

~~(b) — Rules and guidelines to be used in administering the Texas Education Code, §51.9095 will be the same as those used for students receiving federal financial aid.~~

21.7. - 21.10. No Change.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (5)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 21, Subchapter A, Section 21.10 of Board rules, concerning priority deadline for applying for state aid

RECOMMENDATION:           Approval

Background Information:

Specifically, amendments to Chapter 21, Subchapter A, Section 21.10 of Board rules, concerning priority deadline for applying for state aid, (a) add language that requires institutions to use March 15 as their priority application deadline for academic years 2018-2019 and prior. New subsection (b) adds language indicating that beginning with the 2019-2020 academic year, all general academic teaching institutions shall use January 15 as their priority application deadline for state financial assistance. This change is needed because the U.S. Department of Education now allows students to submit the Free Application for Federal Student Aid (FAFSA) as early as October 1.

Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Date approved by the Commissioner for publication in the *Texas Register*: October 9, 2017.

Date published in the *Texas Register*: October 20, 2017.

The 30-day comment period with the *Texas Register* ended on November 20, 2017.

No comments were received.

CHAPTER 21 STUDENT SERVICES  
SUBCHAPTER A GENERAL PROVISIONS

Section

- 21.1. Fund Requirements for Student Loan Bonds Interest and Sinking Fund
- 21.2. Determination of Tuition Rate for Nonresident and Foreign Students
- 21.3. Loan Repayment Deferral for Emergency Loans for Tuition, Mandatory Fees and Textbooks Made Under Texas Education Code, §56.051 for Students Who Enroll in Graduate or Professional Degree Programs
- 21.4. Collection of Tuition
- 21.5. Refund of Tuition and Fees at Public Community/Junior and Technical Colleges
- 21.6. Student Compliance with Selective Service Registration
- 21.7. Tuition and Fee Definitions
- 21.8. Definition of Student Financial Need
- 21.9. Exclusion of Certain Resources in Determining Need for State Aid
- 21.10. Priority Deadline for Applying for State Aid

21.1. - 21.9. No Change.

21.10. Priority Deadline for Applying for State Aid.

(a) For academic year 2018-2019 and prior academic years, [A#] general academic teaching institutions shall use March 15 as their priority application deadline for application for state financial assistance [~~for the following year~~].

(b) Beginning with academic year 2019-2020 and hereafter, all general academic teaching institutions shall use January 15 as the priority application deadline to receive state financial assistance.

(c)~~(b)~~ The priority deadline is not to serve as a determination of eligibility for state financial assistance, but otherwise eligible students who apply on or before the deadline shall be given priority consideration for available state financial assistance before other applicants.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (6)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter A, new Section 22.3 of Board rules, concerning student compliance with selective service registration, and new Section 22.4 of Board rules, concerning records retention

RECOMMENDATION:           Approval

Background Information:

The proposed amendments to Chapter 22, Subchapter A of Board rules, will align the rules with the Student Compliance with Selective Service Registration provisions of Texas Education Code, Section 51.9095. New Section 22.3 is added to Subchapter A, General Provisions, to indicate that individuals attending institutions of higher education must meet selective service registration requirements to qualify for financial assistance funded by the state.

New Section 22.4 provides guidelines to be used by institutions of higher education concerning the records retention requirements for all financial aid programs in Texas Administrative Code, Chapter 22.

Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Date approved by the Commissioner for publication in the *Texas Register*: October 9, 2017.

Date published in the *Texas Register*: October 20, 2017.

The 30-day comment period with the *Texas Register* ended on November 20, 2017.

No comments were received.

CHAPTER 22 STUDENT FINANCIAL AID PROGRAMS  
SUBCHAPTER A GENERAL PROVISIONS

Section

- 22.1. Definitions
- 22.2. Timely Distribution of Funds
- 22.3. Student Compliance with Selective Service Registration
- 22.4. Records Retention

22.1. – 22.2 No changes.

22.3. Student Compliance with Selective Service Registration.

(a) An individual may not receive a loan, grant, scholarship, or other financial assistance funded by state revenue, including federal funds or gifts and grants accepted by this state, unless the individual files a statement of the individual's Selective Service status with the institution granting or certifying the financial assistance as required by this section.

(b) Rules and guidelines to be used in administering the Texas Education Code, §51.9095 will be the same as those used for students receiving federal financial aid.

22.4. Records Retention.

(a) All institutions participating in the financial aid programs described in Chapter 22 shall follow the records retention guidelines outlined in (a) and (b) of this section:

(1) An institution shall maintain its records and accounts of all transactions related to state and federal student financial aid in keeping with the institution's records retention schedule to ensure a full accounting for all funds received, disbursed, and expended by the institution.

(2) Records and accounts shall be available for inspecting, monitoring, programmatic or financial auditing, or evaluation by the Coordinating Board, and by others authorized by law or regulation, for a period (whichever is later):

- A. not less than seven (7) years after the date of the completion of the award period,
- B. the date of the receipt of the institution's final claim for payment of final expenditure report, or

C. until a resolution of all billing questions in connection with the account has been resolved.

(3) Records and accounts shall include, but are not limited to, general institutional and program specific record-keeping requirements in accordance with Federal Student Aid Title IV regulations (USOE, 34 CFR 668.24).

(b) If an audit is announced, an institution shall retain its records until the audit has been completed or not less than seven (7) years after the expiration date of the Memorandum of Understanding for State Financial Aid Programs (MOU), whichever is later.

(1) An institution shall make available to the auditing entity all documents and other information related to state financial aid programs.

(2) An institution and any subcontractors shall provide any information the auditing entity deems relevant to any monitoring, investigation, evaluation, or audit.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (7)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed repeal of Chapter 22, Subchapter F, Section 22.117 of Board rules, concerning matching scholarships to retain students in Texas (Senate Bill 1179, 82nd Texas Legislature, Regular Session, Texas Education Code, Subsection (c), Section 61.087)

RECOMMENDATION:           Approval

Background Information:

Senate Bill 1179, passed by the 82nd Texas Legislature, Regular Session, repealed Texas Education Code, Section 61.087 (c), which required institutions granting matching scholarships under this section to provide an annual statistical report to the Coordinating Board. Since Section 61.087 (c) has been repealed, it is appropriate to delete Section 22.117 from Board rules.

Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Date approved by the Commissioner for publication in the *Texas Register*: October 9, 2017.

Date published in the *Texas Register*: October 20, 2017.

The 30-day comment period with the *Texas Register* ended on November 20, 2017.

No comments were received.

CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS  
SUBCHAPTER F. MATCHING SCHOLARSHIPS TO RETAIN STUDENTS IN TEXAS

Section

- 22.112. Authority and Purpose.
- 22.113. Definitions.
- 22.114. Eligible Institutions.
- 22.115. Eligible Students.
- 22.116. Funds for Awards.
- ~~22.117. Reporting Requirements.]~~

22.112.-22.116. No Change.

~~22.117. Reporting Requirements-~~

~~(a) For all students offered a matching award through the program described in this subchapter, the institution shall report on an annual basis to the board:~~

~~(1) the race or ethnicity, gender, and high school of graduation of each student;~~

~~(2) the name of the competing out-of-state institution;~~

~~(3) the types and amounts of all scholarships or grants offered by the out-of-state institution for which the reporting institution offered a matching award under this subchapter; and~~

~~(4) the types and amounts of all matching scholarships or grants offered by the reporting institution.~~

~~(b) For all students accepting a matching award through the program described in this subchapter, the institution shall report to the board:~~

~~(1) the race or ethnicity, gender, and high school of graduation of each student;~~

~~(2) the name of the competing out-of-state institution;~~

~~(3) the types and amounts of all scholarships or grants offered by the out-of-state institution for which the reporting institution offered a matching award under this subchapter; and~~

~~(4) the types and amounts of all matching scholarships or grants awarded by the reporting institution.~~

~~(c) Each reporting institution shall also report to the board the methods it has used to encourage Texas high school graduates to attend the reporting institution.]~~

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (8)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter M, Sections 22.254, 22.256-22.257, 22.260, and 22.262 of Board rules, concerning the Texas Educational Opportunity Grant Program

RECOMMENDATION: Approval

Background Information:

The amendment to Chapter 22, Subchapter M, Section 22.254 adds a definition for the "average statewide amount of tuition and required fees," which serves as the basis for calculating the Texas Educational Opportunity Grant (TEOG) Program maximum award amount. The definition is added to provide clarity for current award calculation practices as recommended in the May 2017 internal auditor's Report No.THECB-IA-WP-17-192.

The amendment to Section 22.257 removes "for Students Awarded Grants on or After September 1, 2005" from the title, as this distinction is no longer relevant. The new title, "Hardship Provisions", indicates that the provisions apply to all students receiving TEOG. The reference to the previous title in subsections 22.257 (a) and 22.256 (c)(4) has been updated to reflect this same change.

The amendments to Section 22.260 clarify the provisions relating to determination of the maximum award amount, and strike language prohibiting institutions from decreasing grant amounts to award grants to more students. The statute allows institutions to make initial awards below the maximum amount per student, provided they use other available sources of financial aid, other than a loan or Pell grant, to cover any difference between the amount of a TEOG award and the student's actual amount of tuition and required fees.

Subsections (e) and (f) have been combined to indicate that the proration schedule for a student having a low balance of "eligible hours" or a low balance of "attempted hours" are identical: 100% of the maximum award if the balance of hours equals 12 or more; 75% if the balance of hours equals 9-11; 50% if the balance equals 6-8; and 25% if the balance equals fewer than 6 hours. Stand-alone subsection (f) has been deleted.

Section 22.262 (a) is amended to delete language pertaining only to allocations for FY 2015. Similarly, subsection (b)(3) has been stricken, as this provision expired at the end of FY 2017.

Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Date approved by the Commissioner for publication in the *Texas Register*: October 9, 2017.

Date published in the *Texas Register*: October 20, 2017.

The 30-day comment period with the *Texas Register* ended on November 20, 2017.

No comments were received.

## CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

## SUBCHAPTER M. TEXAS EDUCATIONAL OPPORTUNITY GRANT PROGRAM

## Section

- 22.253. Authority and Purpose.  
 22.254. Definitions.  
 22.255. Institutions.  
 22.256. Eligible Students.  
 22.257. Hardship Provisions. [~~for Students Awarded Grants on or After September 1, 2005.~~]  
 22.258. Priorities in Funding.  
 22.259. Priority in Awards to Students.  
 22.260. Award Amounts and Adjustments.  
 22.261. Late Disbursements.  
 22.262. Allocation and Reallocation of Funds.  
 22.263. Dissemination of Information and Rules.
- 22.253. No Change.
- 22.254. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Attempted Hours--Every course in every semester for which a student has been registered as of the official Census Date, including but not limited to, repeated courses and courses the student drops and from which the student withdraws. Transfer hours and hours for optional internship and cooperative education courses are also included if they are accepted by the receiving institution towards the student's current program of study.

(2) Average statewide amount of tuition and required fees— in determining the maximum award amount, the average amount of tuition and required fees by institution type (public community colleges, public state colleges, and public technical colleges) for a resident student enrolled full-time in an associate degree or certificate program, as reported in the most recent Integrated Federal Reporting System report.

(3) [~~2~~] Awarded--Offered to a student.

(4) [~~3~~] Board--The Texas Higher Education Coordinating Board.

(5) [~~4~~] Commissioner--The Commissioner of Higher Education, the Chief Executive Officer of the Board.

(6) [~~5~~] Cost of attendance--An estimate of the expenses incurred by a typical financial aid student in attending a particular college. It includes direct

educational costs (tuition, fees, books, and supplies) as well as indirect costs (room and board, transportation, and personal expenses).

(7) [~~(6)~~] Encumbered funds--Program funds that have been offered to a specific student, which offer the student has accepted, and which may or may not have been disbursed to the student.

(8) [~~(7)~~] Enrolled on at least a half-time basis--Enrolled for the equivalent of six semester credit hours in a regular semester.

(9) [~~(8)~~] Entering student--A student enrolled in the first 30 semester credit hours or their equivalent, excluding hours taken during dual enrollment in high school and courses for which the student received credit through examination.

(10) [~~(9)~~] Expected family contribution--The amount of discretionary income that should be available to a student from his or her resources and that of his or her family, as determined following the federal methodology.

(11) [~~(10)~~] Financial need--The cost of attendance at a particular public or private institution of higher education less the expected family contribution. The cost of attendance and family contribution are to be determined in accordance with Board guidelines. Federal and state veterans' educational and special combat pay benefits are not to be considered in determining a student's financial need.

(12) [~~(11)~~] Initial year award--The grant award made in the student's first year in the Texas Educational Opportunity Grant Program, typically made up of a fall and spring disbursement.

(13) [~~(12)~~] Institution--A public junior college as defined in Texas Education Code, §61.003(2); a public technical institution as defined in Texas Education Code, §61.003(7); and a public state college as defined in Texas Education Code, §61.003(16).

(14) [~~(13)~~] Period of enrollment--The term or terms within the current state fiscal year (September 1-August 31) for which the student was enrolled in an approved institution and met all the eligibility requirements for an award through this program.

(15) [~~(14)~~] Program--The Texas Educational Opportunity Grant Program.

(16) [~~(15)~~] Program Officer--The individual named by each participating institution's chief executive officer to serve as agent for the Board. The Program Officer has primary responsibility for all ministerial acts required by the program, including maintenance of all records and preparation and submission of reports reflecting program transactions. Unless otherwise indicated by the administration, the director of student financial aid shall serve as Program

Officer.

**(17)** ~~[(16)]~~ Resident of Texas--A resident of the State of Texas as determined in accordance with Chapter 21, Subchapter B of this title (relating to Determination of Resident Status). Nonresident students who are eligible to pay resident tuition rates are not residents of Texas.

**(18)** ~~[(17)]~~ State-wide total cost of attendance--For allocation purposes, the aggregate sum of costs of attendance reported by participating eligible institutions in the most recent Financial Aid Database Report for each first-time-in-college student who meets the eligibility requirements listed in §22.262(b)(1) of this title.

22.255. No Change.

22.256. Eligible Students.

(a) – (b) No Change.

(c) Discontinuation of Eligibility or Non-Eligibility.

(1) A student may not receive a Texas Educational Opportunity Grant for more than 75 semester credit hours or its equivalent. Beginning with awards for the 2015-2016 academic year, a student's eligibility for a Texas Educational Opportunity Grant ends once he or she has attempted 75 semester credit hours or the equivalent unless the student is granted a hardship extension in accordance with §22.257~~[22.234]~~(b) of this chapter.

(2) – (3) No Change.

(4) Unless granted a hardship extension in accordance with §22.257 of this title (relating to Hardship Provisions ~~[for Students Awarded Grants On or After September 1, 2005]~~), if a person fails to meet any of the requirements for receiving a continuation award as outlined in subsection (b) of this section after completion of any year, the person may not receive a Texas Educational Opportunity Grant award until he or she completes courses while not receiving a Texas Educational Opportunity Grant and meets all the requirements of subsection (b) of this section as of the end of that period of enrollment.

22.257. Hardship Provisions. ~~[for Students Awarded Grants on or After September 1, 2005]~~

(a) In the event of a hardship or for other good cause, the Program Officer at an eligible institution may allow an otherwise eligible person who is awarded a grant ~~[on or after September 1, 2005]~~ to receive a Texas Educational Opportunity Grant while enrolled for an equivalent of less than one-half time or if the student's grade point average or completion rate falls below the satisfactory academic progress requirements of §22.256(b)**(8)**~~[(7)]~~ of this title (relating to Eligible Students). Such conditions are not

limited to, but include:

(b) - (c) No Change.

22.258.- 22.259. No Change.

22.260. Award Amounts and Adjustments.

(a) No Change.

(b) Award Amounts.

(1) The amount of a Texas Educational Opportunity Grant award may not be reduced by any gift aid for which the person receiving the grant is eligible, unless the total amount of a person's grant plus any gift aid received exceeds the student's cost of attendance. However, no student's award shall be greater than the amount of the student's financial need.

(2) The Board shall determine and announce the maximum amount of a Texas Educational Opportunity Grant award in a given state fiscal year by January 31 of the prior fiscal year. The calculation of the maximum amount will be based on the average statewide amount of tuition and required fees at eligible institutions that a resident student enrolled full-time in an associate degree or certificate program would be charged for that semester or term mandates contained in (Texas Education Code, §56.407). ~~[To ensure the program has sufficient funds to make awards to all eligible returning recipients, institutions may not decrease award amounts per student in order to provide grants to a larger number of applicants.]~~ If an otherwise eligible student, due to hardship, enrolls for less than a half-time course load, his or her award is to be prorated. The amount he or she can be awarded is equal to the semester's maximum award for the relevant type of institution, divided by 12 hours and multiplied by the actual number of hours for which the student is enrolled.

(3) - (4)

(c) - (d) No Changes.

(e) Prorated Awards in Case of Low Balance of Eligible Hours or Attempted Hours. If the student's balance of eligible hours or attempted hours is less than the number of hours he or she is taking in a given term or semester, the student's award amount for that term or semester should be prorated~~[-Beginning no later than Fiscal Year 2012, prorated amounts shall be calculated]~~ using the following schedule:

(1) If balance of hours equals 12 or more hours--100% of the maximum award;

(2) If balance of hours equals 9-11 hours--75% of the maximum award;

(3) If balance of hours equals 6-8 hours--50% of the maximum award; and

(4) If balance of hours equals fewer than 6 hours--25% of the maximum award.

~~{(f) Prorated Awards in Case of Low Balance of Eligible Attempted Hours, beginning with the 2015-2016 Academic Year. If the student's balance of eligible attempted hours is less than the number of hours he or she is taking in a given term or semester, the student's award amount for that term or semester should be prorated the following schedule:~~

~~(1) If balance of attempted hours equals 12 or more hours--100% of the maximum award;~~

~~(2) If balance of attempted hours equals 9-11 hours--75% of the maximum award;~~

~~(3) If balance of attempted hours equals 6-8 hours--50% of the maximum award; and~~

~~(4) If balance of attempted hours equals fewer than 6 hours--25% of the maximum award.]~~

22.261. No Change.

22.262. Allocation and Reallocation of Funds.

~~{(a) Allocations for Fiscal Year 2015:~~

~~(1) Initial Year Funds. Available program funds for initial year awards will be allocated to each participating institution in proportion to each institution's share of the state's undergraduate financial aid population with significant amounts of financial need:~~

~~(2) Renewal Year Funds. Available program funds for continuation or renewal awards will be allocated in proportion to the number of prior year recipients reported for each institution, adjusted for the institution's student retention rate:]~~

**(a)** ~~{(b)}~~ Allocations for public junior colleges for Fiscal Year 2016 and Later. Allocations are to be determined on an annual basis as follows:

(1) The allocation base for each eligible institution will be the number

of students it reported in the most recent Financial Aid Database Report who met the following criteria:

(A) - (D) No Change.

(2) Each institution's percent of the available funds will equal its percent of the state-wide need as determined by multiplying each institution's enrollments by the respective award maximums of students who meet the criteria in subsection (a) [(b)] (1) of this section.

~~[(3) No institution's annual allocation will be reduced by more than 15 percent of the prior year's annual allocation not including any reallocations that occurred in that prior year. This provision will apply to FY2016 and FY2017 allocations after which it will expire.]~~

(b) [(e)] Allocations for public technical colleges and public state colleges for Fiscal Year 2016 and Later. Allocations are to be determined on an annual basis as follows:

(1) The allocation base for each eligible institution will be the number of students it reported in the most recent Financial Aid Database Report who met the following criteria:

(A) were classified as Texas residents,

(B) were enrolled as undergraduates half-time, three-quarter time or full-time,

(C) completed either the FAFSA or the TASFA, and

(D) have a 9-month Expected Family Contribution less than or equal to the Federal Pell Grant eligibility cap for the year reported in the Financial Aid Database Report.

(2) Each institution's percent of the available funds will equal its percent of the state-wide need as determined by multiplying each institution's enrollments by the respective award maximums of students who meet the criteria in subsection (b)(1) of this section.

(c) [(d)] Verification of Data for Fiscal Year 2016 and Later. Allocation calculations will be shared with all participating institutions for comment and verification prior to final posting and the institutions will be given 10 working days, beginning the day of the notice's distribution and excluding State holidays, to confirm that the allocation report accurately reflects the data they submitted or to advise Board staff of any inaccuracies.

(d) [(e)] Reallocations. Institutions will have until the close of business on February 20 or the first working day thereafter if it falls on a weekend or a holiday to encumber the program funds that have been allocated to them. On that date,

institutions lose claim to any unencumbered funds, and the unencumbered funds are available to the Board for reallocation to other institutions. For the institutions that request additional funds, reallocations for amounts up to the amount requested per institution will be calculated on the same basis as was used for the allocation for the relevant fiscal year. If necessary for ensuring the full use of funds, subsequent reallocations may be scheduled until all funds are awarded and disbursed.

~~(e)~~~~(f)~~ Disbursement of Funds to Institutions. As requested by institutions throughout the fall and spring terms, the Board shall forward to each participating institution a portion of its allocation of funds for immediate release to students or immediate application to student accounts at the institution.

~~(f)~~~~(g)~~ Authority to Transfer Funds. Institutions participating in a combination of the Texas Educational Opportunity Grant and Texas College Work-Study Programs, in accordance with instructions from the Board, may transfer in a given fiscal year up to the lesser of 10 percent or \$20,000 between these programs. This threshold is applied to the program from which the funds are being transferred.

22.263. No Change.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (9)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 23, Subchapter D, Sections 23.95, 23.97, and 23.100 (2) of Board rules, concerning the Loan Repayment Program for Mental Health Professionals (MHLRP) (House Bill (HB) 3083 and HB 3808, 85th Texas Legislature, Regular Session)

RECOMMENDATION:           Approval

Background Information:

The amendments to Chapter 23, Subchapter D, of Board rules are necessary for the rules to comply with Texas Education Code Section 61.601, as amended by House Bill (HB) 3083 and HB 3808, 85th Texas Legislature, Regular Session. Specifically, the amendments in Section 23.95 add chemical dependency counselors and licensed marriage and family therapists to the list of mental health providers eligible to apply for loan repayment through the Loan Repayment Program for Mental Health Professionals (MHLRP). The amendments to Section 23.97 clarify application of the "30 percent" rule and describe the ranking criteria for applications in the event that funds remain available. In keeping with the statutory amendment, Section 23.100 (2) is amended to clarify that the total amount of state appropriated repayment assistance may not exceed specified amounts and to indicate the designated repayment amounts for licensed chemical dependency counselors and marriage and family therapists.

Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Date approved by the Commissioner for publication in the *Texas Register*: October 9, 2017.

Date published in the *Texas Register*: October 20, 2017.

The 30-day comment period with the *Texas Register* ended on November 20, 2017.

No comments were received.

CHAPTER 23. EDUCATION LOAN REPAYMENT PROGRAMS

SUBCHAPTER D. LOAN REPAYMENT PROGRAM FOR MENTAL HEALTH PROFESSIONALS

Section

- 23.93. Authority and Purpose.
- 23.94. Definitions.
- 23.95. Eligible Practice Specialties.
- 23.96. Eligibility for Conditional Approval of Applications.
- 23.97. Selection of Eligible Applicants and Limitations.
- 23.98. Eligibility for Disbursement of Loan Repayment Assistance.
- 23.99. Eligible Lender and Eligible Education Loan.
- 23.100. Amount of Repayment Assistance.
- 23.101. Dissemination of Information.

23.93. - 23.94. No Change.

23.95. Eligible Practice Specialties.

For purposes of this subchapter, the following mental health providers may apply for enrollment in the program:

- (1) a psychiatrist;
- (2) a psychologist, as defined by §501.002, Occupations Code;
- (3) a licensed professional counselor, as defined by §503.002, Occupations Code;
- (4) an advanced practice registered nurse, as defined by §301.152, Occupations Code, who holds a nationally recognized board certification in psychiatric or mental health nursing; ~~and~~
- (5) a licensed clinical social worker, as defined by §505.002, Occupations Code; ~~and~~
- (6) a licensed chemical dependency counselor, as defined by Section 504.001, Occupations Code; and
- (7) a licensed marriage and family therapist, as defined by Section 502.002, Occupations Code.

23.96. No Change.

23.97. Selection of Eligible Applicants and Limitations.

(a) – (b) No Change.

(c) Not more than 30 percent of the number of repayment assistance grants paid under this subchapter each fiscal year may be awarded to mental health professionals in any one of the eligible practice specialties, unless excess funds remain available after the 30 percent maximum has been met.

(d) For each practice specialty, applications will be ranked in order of the following priorities:

(1) – (4) No Change.

(e) If funds remain available after loan repayment awards have been reserved for applicants selected according to the criteria stated in 23.97 (d), applications will be ranked in order of the following priorities, regardless of the applicant's practice specialty:

(1) providers whose employers are located in areas having MHPSA scores that reflect the highest degrees of shortage. If a provider works for an agency located in an MHPSA that has satellite clinics and the provider works in more than one of the clinics, the highest MHPSA score where the provider works shall apply. If a provider travels to make home visits, the provider's agency base location and its MHPSA score shall apply. If a provider works for different employers in multiple MHPSAs having different degrees of shortage, the location having the highest MHPSA score shall apply;

(2) providers whose employers are located in rural areas, if, in the case of providers serving at multiple sites, at least 75% of their work hours are spent serving in those areas; and

(3) providers whose applications were received on the earliest dates.

23.98. – 23.99. No Change.

23.100. Amount of Repayment Assistance.

Loan repayment awards will be disbursed directly to lenders in behalf of eligible mental health professionals and:

(1) Repayment assistance for each year of full-time service will be in an amount determined by applying the following applicable percentage to the maximum total amount of assistance allowed for the professional:

- (A) for the first year, 10 percent;
- (B) for the second year, 15 percent;
- (C) for the third year, 20 percent;
- (D) for the fourth year, 25 percent; and
- (E) for the fifth year, 30 percent.

(2) The total amount of state appropriated repayment assistance received by a mental health professional under this subchapter may not exceed:

- (A) \$160,000, for a psychiatrist;
- (B) \$80,000, for:
  - (i) a psychologist;
  - (ii) a licensed clinical social worker, if the social worker has received a doctoral degree related to social work; or
  - (iii) a licensed professional counselor, if the counselor has received a doctoral degree related to counseling; or
  - (iv) a licensed marriage and family therapist, if the marriage and family therapist has received a doctoral degree related to marriage and family therapy;

(C) \$60,000, for an advanced practice registered nurse; ~~and~~

(D) \$40,000, for a licensed clinical social worker, a licensed marriage and family therapist, or a licensed professional counselor who has not received a doctoral degree related to social work or counseling; ~~and~~ and

(E) \$10,000, for assistance received by a licensed chemical dependency counselor, if the chemical dependency counselor has received an associate's degree related to chemical dependency counseling or behavioral science.

(3) - (5) No Change.

23.101. No Change.